

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #73

UNIMAX TOYS LIMITED.

Opposer,

v.

GENERAL CREATION LIMITED.

Applicant.

Opposition No.

Application Serial No. 76/323,382

Published October 22, 2002

NOTICE OF OPPOSITION

To: Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202
Attn: Box TTAB

Dear Sir:

In the matter of the application for registration of the alleged mark TENDER TOUCH, for "children's toys, namely dolls" in International Class 28, Serial No. 76/323,382, filed on October 10, 2001, by General Creation Limited. (hereinafter "Applicant"), a Bermuda corporation, and published on page TM555 of the October 22, 2002 edition of the Official Gazette of the United States Patent and Trademark Office, Unimax Toys Limited (hereinafter "Opposer"), a corporation duly organized and existing under the laws of Hong Kong, China, located and doing business at South Tower, World Finance Center, Suite 608, Harbor City, 17-19 Canton Road, Tsim Sha Tsui, Kowloon, Hong Kong, China, believes that it will be damaged by the registration of the mark shown in the application, and, therefore, opposes the same. The grounds for this opposition are as follows:

1. Opposer has been engaged for many years in the business of manufacturing and distributing toys. These include dolls, rag dolls, stuffed toys, plush toys, doll accessories, doll gift sets, play sets, electronic toys, toddler and pre-school toys.

2. Applicant's application for TENDER TOUCH is based upon an intention to use the mark, and was filed on October 10, 2001. The goods listed in the application are "children's toys, namely, dolls".

3. Long prior to October 10, 2001, the filing date of the application for the mark TENDER TOUCH, Opposer adopted and used in commerce the marks BABY TENDER TOUCH and TINY TENDER TOUCH in connection with dolls. Since the adoption of these marks, Opposer has made substantially continuous use of its marks.

4. The mark TENDER TOUCH sought to be registered by Applicant is confusingly similar in appearance, sound and connotation to Opposer's marks BABY TENDER TOUCH and TINY TENDER TOUCH. Applicant seeks to register the mark TENDER TOUCH for identical or closely related goods to those goods in connection with which Opposer uses its mark. Further, it is believed that the goods of Applicant and the goods of Opposer are sold through the same channels of trade to the same customers.

5. Opposer believes that Applicant's alleged mark TENDER TOUCH, when applied to the goods of Applicant, so resembles Opposer's marks BABY TENDER TOUCH and TINY TENDER TOUCH as to be likely to cause confusion, or to cause mistake, or to deceive, all to Opposer's irreparable damage and injury.

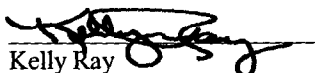
WHEREFORE, Opposer prays that this opposition be sustained and that registration of Applicant's mark be refused.

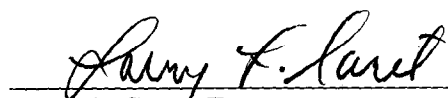
Dated: Nov. 19, 2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202 on

Date 19 Nov 02


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